IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2400 of 1988 (O&M)
Date of Decision.14.05.2019

M/s Ved Parkash Roshan Lal Commision Agent   ...Appellant

Vs

M/s Laxmi Rice and General Mills   ..Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Umesh Aggarwal, Advocate
              for the appellant.

              None for the respondent.
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AMIT RAWAL J. (ORAL)

The present regular second appeal is directed by the appellant-plaintiff against the judgment and decree of the lower Appellate Court whereby future interest @1.5% per mensem on the principal amount of ₹43,709.81 from the date of decree till realization was granted.

The appellant-plaintiff sought recovery of ₹73,000/- i.e. principal amount of ₹41,709.81 and remaining interest against the defendants, which was decreed by the trial Court along with interest @6% per annum and in appeal, the lower Appellate Court while granting decree of ₹71,000/- awarded future interest @1.5% per mensem on the principal amount only as referred to above.

Mr. Umesh Aggarwal, learned counsel appearing on behalf of the appellant sought modification of the judgment and decree of the lower Appellate Court to the extent that interest @1.5% should have been granted on the entire amount i.e. ₹71,000/- as it was a business transaction.

I am afraid aforementioned argument would not be sustainable as the plaintiff has not been able to establish on record the losses incurred entitling interest @1.5% per mensem on the future interest, which has already been awarded @1.5% per mensem on the principal amount. It amounts to interest on interest i.e. law of *damdupat,* which is not permissible in law.

In view of such circumstances, I do not find any illegality and perversity in the judgment and decree rendered by the lower Appellate Court, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 14, 2019
Pankaj*

Whether speaking/reasoned   Yes

Whether reportable   No